

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DORA ATKINS,

Plaintiff,

v.

CIVIL ACTION NO. 3:07-cv-00320

MICHAEL J. ASTRUE
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

In this action, filed under 42 U.S.C. §§ 405(g) and 1383(c)(3), the plaintiff seeks review of the final decision of the Commissioner of the Social Security Administration denying her application for disability insurance benefits and supplemental security income based on disability. The case is presently pending before this court on cross motions for judgment on the pleadings [Docket 12 and 15].

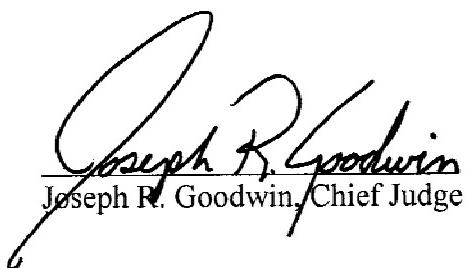
This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 10, 2008, the Magistrate Judge submitted findings of fact and recommended that the court deny the plaintiff's motion for judgment on the pleadings, grant the defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this action from the court's docket. The Magistrate Judge also noted that the parties could file specific written objections to the proposed findings and recommendation, which this court would review *de novo* in accordance with 28 U.S.C. § 636(b).

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The court **DENIES** the plaintiff's motion for judgment on the pleadings, **GRANTS** the defendant's motion for judgment on the pleadings, **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the court's docket.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented party.

ENTER: September 30, 2008



Joseph R. Goodwin
Joseph R. Goodwin, Chief Judge